

Agenda Item:

21-0956 - An act relating to miscellaneous natural resources
and development subjects

Water quality reporting

Wednesday, March 24, 2021

To: House Committee on Natural Resources, Fish, and Wildlife

From: Emily Bird, Clean Water Initiative Program Manager, Department of Environmental Conservation

VERMONT CLEAN WATER INITIATIVE 2020 PERFORMANCE REPORT



VERMONT CLEAN WATER INITIATIVE 2020 PERFORMANCE REPORT

Submitted by the Vermont Agency of Administration
January 15, 2021

Reporting Period: State Fiscal Year (SFY) 2016-2020
Part 1: Vermont Clean Water Investment Report
Part 2: Lake Champlain TMDL Progress Report

Relevant Reporting Requirements:	Fulfilled by:
10 V.S.A. § 1389a (a) The Report shall summarize all investments, including their cost-effectiveness, made by the Clean Water Board and other State agencies for clean water restoration over the prior fiscal year	Part 1. Vermont Clean Water Investment Report
10 V.S.A. § 1389a (b)(1) Documentation of progress or shortcomings in meeting established indicators for clean water restoration	Part 1. Vermont Clean Water Investment Report
10 V.S.A. § 1389a (b)(2) A summary of additional funding sources pursued by the Board, including whether those funding sources were attained; if it was not attained, why it was not attained; and where the money was allocated from the Fund	Report of the Working Group on Water Quality funding under 2017 Act 73 ¹
10 V.S.A. § 1389a (b)(3) A summary of water quality problems or concerns in each watershed basin of the State, a list of water quality projects identified as necessary in each basin of the State, and how identified projects have been prioritized for implementation	Appendix A
10 V.S.A. § 1389a (b)(4-5) A summary of any changes to applicable federal law or policy related to the State's water quality improvement efforts, including any changes to requirements to implement total maximum daily load plans in the State; a summary of available federal funding related to or for water quality improvement efforts in the State	2020 Report on Federal Funding Related to Water Quality Improvement Efforts in Vermont ²
10 V.S.A. § 1264 (k)(1-3) Report on installation of stormwater treatment practices through operational stormwater permits, including: (1) permitted new development is achieving at least a 70 percent average phosphorus load reduction; (2) estimated total phosphorus load reduction from new development, redevelopment, and retrofit of impervious surface permitted; and (3) number and percentage of projects that implemented Tier 1, 2, or 3 stormwater treatment practices	Appendix D
10 V.S.A. § 1386(e) Activities and Progress of Water Quality Ecosystem Restoration Programs	Appendix F
Lake Champlain TMDL Progress Report Part 2: (1) estimated phosphorus reductions from clean water projects in the Lake Champlain basin; (2) external variables affecting phosphorus loading to Lake Champlain; and (3) monitored phosphorus loading to Lake Champlain. Appendix B: interim status of priority actions from Tactical Basin Plan "Implementation Table" for Southern Lake Champlain basin. Appendix C: estimated total phosphorous load reductions by lake segment watershed.	Part 2. Lake Champlain TMDL Progress Report and Appendix B and C



AGENCY OF ADMINISTRATION
AGENCY OF AGRICULTURE, FOOD & MARKETS
AGENCY OF COMMERCE & COMMUNITY DEVELOPMENT
AGENCY OF NATURAL RESOURCES
AGENCY OF TRANSPORTATION

¹ Report of the Working Group on Water Quality funding under 2017 Act 73, available at: <https://anr.vermont.gov/sites/anr/files/specialtopics/Act73WorkingGroup/2017-11-15-FINAL-act-73-water-quality-funding-report.pdf>.

² 2020 Report on Federal Funding Related to Water Quality Improvement Efforts in Vermont, available at: <https://dec.vermont.gov/sites/dec/files/wqm/erp/docs/2020%20Vermont%20Federal%20Clean%20Water%20Funding%20Report-Final.pdf>.

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Sec. 1. 10 V.S.A. § 1264(k) is amended to read:

(k) Report on treatment practices. As part of the report required under section 1389a of this title, the Secretary annually shall report the following:

(1) whether the phosphorus load from new development permitted under this section by the Secretary in the Lake Champlain watershed in the previous calendar year is achieving at least a 70 percent average phosphorus load reduction;

(2) the estimated total phosphorus load reduction from new development, redevelopment, and retrofit of impervious surface permitted under this section in the previous ~~calendar~~ State fiscal year; and

(3) the number of projects and the percentage of projects as a whole that implemented Tier 1 stormwater treatment practices, Tier 2 stormwater treatment practices, or Tier 3 stormwater treatment practices in the previous ~~calendar~~ State fiscal year.

**Amend Sec. 1. 10 V.S.A. § 1264(k)
operational stormwater permit water
quality reporting to align with state fiscal
year reporting period to be consistent
with the *Vermont Clean Water Initiative
Annual Performance Report*.**

Amend Sec. 2. 10 V.S.A. § 1386 to:

1. **Align reporting deadline with the *Vermont Clean Water Initiative Annual Performance Report* (Clean Water Investment Report) deadline;**
2. **Removes “water quality ecosystem restoration programs” reporting requirement (currently fulfilled by *Performance Report* Appendix F), due to redundancy with the *Vermont Clean Water Initiative Annual Performance Report* (Clean Water Investment Report); and**
3. **Updates Lake Champlain TMDL statutory reporting requirements to extend beyond Phase 1 Implementation to Phase 2 Implementation and beyond, aligned with the TMDLs’ Accountability Framework.**

18 Sec. 2. 10 V.S.A. § 1386 is amended to read:

19 § 1386. IMPLEMENTATION PLAN FOR THE LAKE CHAMPLAIN

20 TOTAL MAXIMUM DAILY LOAD

1 (e) Beginning on ~~February 1, 2016~~ January 15, 2019, and annually

2 thereafter, the Secretary, ~~after consultation with the Secretary of Agriculture,~~

3 ~~Food and Markets and the Secretary of Transportation,~~ shall submit to the

4 ~~House Committee on Natural Resources, Fish, and Wildlife~~ a summary of

5 ~~activities and measures of progress of water quality ecosystem restoration~~

6 ~~programs~~ shall report the status of Lake Champlain Total Maximum Daily

7 Load implementation plan milestones (Phase 2 and beyond) identified in

8 Tactical Basin Plan Implementation Tables for each basin due for an U.S.

9 Environmental Protection Agency interim or final report card in accordance

10 with the TMDL Accountability Framework schedule. The provisions of 2

11 V.S.A. § 20(d) (expiration of required reports) shall not apply to the report to

12 be made under this subsection.

14 § 1389a. CLEAN WATER INVESTMENT REPORT

15 * * *

16 (b) The Report shall include:

17 (1) Documentation of progress or shortcomings in meeting established
18 indicators for clean water restoration.

19 (2) ~~A summary of additional funding sources pursued by the Board,~~
20 ~~including whether those funding sources were attained; if it was not attained,~~
1 ~~why it was not attained; and where the money was allocated from the Fund.~~

2 [Repealed.]

Amend Sec. 3. 10 V.S.A. § 1389a to:

1. Remove summary of additional funding sources pursued by the Board from the *Vermont Clean Water Initiative Annual Performance Report* (Clean Water Investment Report).

This is redundant with 10 V.S.A. § 1389 actions required by the Clean Water Board if the Board determines that there are insufficient funds in the Clean Water Fund to issue all grants or financing required.

Amend Sec. 3. 10 V.S.A. § 1389a to:

1. Remove the report on available federal funding related to or for water quality efforts in the state from the *Vermont Clean Water Initiative Annual Performance Report* (Clean Water Investment Report); and

2. Make the September 1 report on available federal funding related to or for water quality efforts in the state the *final report*, rather than an *interim report*; and

13 (5) ~~A summary of available federal funding related to or for water~~
14 ~~quality improvement efforts in the State. [Repealed.]~~

13 (3) On or before September 1 of each year, the Secretary of
14 Administration shall submit to the Joint Fiscal Committee an interim report
15 ~~regarding the information required under subdivision (b)(5) of this section~~
16 ~~relating to available federal funding~~ a summary of available federal funding
17 related to or for water quality efforts in the State.

**One additional suggested amendment to
Sec. 3. 10 V.S.A. § 1389a:**

**Recommend changing start date of
reporting on Clean Water Service
Delivery Act (Act 76 of 2019) grant
programs to January 2024**

**Act 76 grant programs go into effect SFY
2023. *Vermont Clean Water Initiative
Annual Performance Report* (Clean Water
Investment Report) published January
2024 will cover SFY 2023.**

(6) **Beginning January 2023**, a summary of the administration of the grant programs established under sections 925-928 of this title, including whether these grant programs are adequately funding implementation of the Clean Water Initiative and whether the funding limits for the Water Quality Enhancement Grants under subdivision 1389(e)(1)(D) of this title should be amended to improve State implementation of the Clean Water Initiative.

Vermont Clean Water Initiative Annual Performance Report

- Report and companion online tools available at: <https://dec.vermont.gov/water-investment/cwi/projects>.
- CWIP is seeking Legislator input on the [*Vermont Clean Water Initiative 2020 Performance Report*](#) by completing [this short, 11-question survey](#).
- Audience input will help to inform future improvements to the Report and possible recommendations to refine statutory language next year.